

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
March 25, 2015 6:00 PM**

SPECIAL-CALLED MEETING

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:09 PM.

ROLL CALL:

Members Present: Larry Whiteley, Thomas Holland, Steve Sutton, Lance Whisman, and Jerod Hicks.

Members Absent: None.

CONSENT AGENDA:

1. Approval of Minutes for the February 17, 2015 Regular Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the February 17, 2015 Regular Meeting as presented by Staff. Steve Sutton SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whisman, Sutton, Whiteley, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 5:0:0

PUBLIC HEARINGS

2. **PUD 81 – Chateau Villas PUD – Major Amendment # 1 – Larry Kester of Architects Collective.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 81 for approximately 23 acres in part of the NW/4 NW/4 of Section 01, T17N, R13E with underlying zoning CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, which amendment proposes to increase the maximum building height, amend the 75% minimum masonry standard, and make certain other amendments.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby City Council
From: Erik Enyart, AICP, City Planner
Date: Tuesday, March 24, 2015
RE: Report and Recommendations for:
PUD 81 Major Amendment # 1 – “Chateau Villas PUD” – Larry Kester of Architects Collective

LOCATION:

16-Acre Tract: 8300-block of E. 121st St. S.

7-Acre Tract: 12303 S. Memorial Dr.

SIZE: 23 acres, more or less, in two (2) tracts

EXISTING ZONING: CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, & PUD 81

EXISTING USE:

16-Acre Tract: Vacant

7-Acre Tract: Single-family house

SUPPLEMENTAL ZONING: PUD 81 “Chateau Villas PUD” and Corridor Appearance District (partial)

REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 81 (“Chateau Villas PUD”), with underlying zoning CS Commercial Shopping Center District, RM-3 Residential Multi-Family District, and OL Office Low Intensity District, which amendment proposes to increase the maximum building height, amend the 75% minimum masonry standard, and make certain other amendments.

SURROUNDING ZONING AND LAND USE:

North: CS & RM-1/PUD-6, RD, and RS-1; The Memorial Square duplex-style condo/apartments and vacant lots, and single-family residential to the northeast, commercial in the Town and Country Shopping Center to the northwest, and farther north, duplexes along 119th St. S., all in Southern Memorial Acres Extended.

South: CS/PUD 29A, OL/RS-1/PUD 77, RS-1, and RS-2; The Boardwalk on Memorial commercial strip shopping center with vacant land behind zoned CS/PUD 29A, vacant land and a single-family dwelling zoned OL/RS-1/PUD 77 planned for a ministorage development, and single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

East: RS-1; Single-family residential in the Houser Addition and the Bixby Fire Station #2.

West: CG, CS, OL, RS-3, & AG; Commercial development in 121st Center, the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned CS at 12113 S. Memorial

Dr., and (west of Memorial Dr.) agricultural land and the Easton Sod sales lot zoned RS-3, OL, & CS.

COMPREHENSIVE PLAN:

16-Acre Tract: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

7-Acre Tract: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES:

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (including 7-acre tract subject property) – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval. The legal descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the “Exhibit 1” to the PUD.

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on 16-acre tract subject property – PC Conditionally Approved 07/19/2010.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for subject property – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for subject property – Pending PC consideration 04/20/2015.

RELEVANT AREA CASE HISTORY:

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the Town and Country Shopping Center on All of Block 18, Southern Memorial Acres Extended to the northwest of subject property – (“amended application” received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A “Waive the 2 acre maximum” lot area standard and Section 6.4 “Change the Floor area ratio from (1 to 4) to (1 to 3 ½)” in the C-1 District – BOA Approved 01/16/1973 “to change the floor area from (1 to 4) to (1 to 3 ½)” per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

BBOA-20 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, the original Bixby Fire Station # 2, on Lot 2, Block 4, Houser Addition abutting subject property to the east at 8300 E. 121st St. S. – BOA Conditionally Approved 06/09/1975.

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the southwest of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center – both resultant tracts abut subject property to west and north – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (now the Easton Sod business) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. to the west of subject property (now the Easton Sod business) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended (later replatted as part of Memorial Square) across 121st St. S. to the north of subject property – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for approximately 9.4 acres consisting of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended (later replatted as Memorial Square) across 121st St. S. to the north of subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ordinance # 498).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for approximately 9.4 acres, a resubdivision of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended across 121st St. S. to the north of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for property across 121st St. S. to the north of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the Spartan Self Storage).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (abutting subject property to west and north) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (abutting subject property to west and north) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (abutting subject property to west and north) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the southwest of subject property in the 12300-block of S. Memorial Dr. (perhaps then

addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (abutting subject property to west and north), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121st St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of this Section 01, T17N, R13E abutting subject property to the north at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the Spartan Self Storage).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, The Boardwalk on Memorial (abutting subject property to south) and Lots 1 and 2, Block 1, Gre-Mac Acres requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Gre-Mac Acres Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property abutting subject property to south – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property abutting subject property to south – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

“Minor Amendment PUD 29b to PUD 29, 29a” – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) for property abutting subject property to south to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

BBOA-444 – City of Bixby – Request for Special Exception to allow a Use Unit 5 use in an RS-1 district, allowing the expansion of Bixby Fire Station # 2 onto Lot 1, Block 4, Houser Addition located to east of subject property at 8300 E. 121st St. S. – BOA Approved 06/05/2006.

“PUD 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property abutting subject property to south – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of the property abutting subject property to south – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of Knopp family property of approximately 140 acres to the southwest of subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the southwest of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the southwest of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the southwest of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage to the west of subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for 92 acres acquired from the Knopp family acreage to the west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property abutting subject property to the south – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. Ordinance First Reading held 06/24/2013. Ordinance Second Reading and consideration pending receipt of final PUD Text & Exhibits as Conditionally Approved.

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of a 92-acre PUD west of subject property – PC

recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for a 92-acre PUD west of subject property – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013 and approved the Emergency Clause attachment 11/12/2014 (Ord. # 2123).

PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 to the west of subject property – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

PUD 70 "Encore on Memorial" Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres abutting to the west and north, to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments – PC consideration pending 02/18/2014.

Preliminary Plat of "Byrnes Mini-Storages" – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property abutting subject property to the south – PC (03/17/2014) recommended Conditional Approval by 2:1:1 vote. Per the City Attorney, the Abstention vote does not count, so the vote was recognized as 2:1 and the Motion passed with a simple majority. City Council Conditionally Approved 05/12/2014.

PUD 6 Major Amendment # 1 "Memorial Square" & BZ-374 – JR Donelson, Inc. – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 and rezoning from CS and RM-1 to CS, RM-1, and RT for property across 121st St. S. to the north of subject property – PC recommended Conditional Approval 05/19/2014 and City Council Conditionally Approved applications 06/09/2014. Ordinance approval pending receipt of PUD Amendment Text & Exhibits reflecting all the required corrections, modifications, and Conditions of Approval.

Preliminary Plat of "Memorial Square Amended" – Request for Preliminary Plat approval for "Memorial Square Amended" for property across 121st St. S. to the north of subject property – PC recommended Conditional Approval 07/21/2014. Not placed on City Council agenda per Applicant 08/07/2014.

BSP 2015-02 – QuikTrip No. 0098 – Request for approval of a site plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for property across 121st St. S. to the northwest of subject property at 12037 S. Memorial Dr. – City Council Conditionally Approved 02/09/2015.

BL-397 – Mike Ward on behalf of QuikTrip Corporation for T C 94, LP – Request for Lot-Split approval for property across 121st St. S. to the northwest of subject property at 12037 S. Memorial Dr. – Planning Commission Approved 02/17/2015.

PUD Requirement Waiver for Ramsey & Easton Properties – JR Donelson of JR Donelson, Inc. – Request for a Temporary Waiver of the PUD requirement of Zoning Code Section 11-5-2 for the Ramsey and Easton properties located to the west of subject property at the southwest corner of 121st St. S. and Memorial Dr. – City Council Approved 02/23/2015 subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

BZ-379 – JR Donelson for Bill J. Ramsey Trust – Request for rezoning from AG and CG to CS for commercial use for 14 acres to the west of subject property at the 12200-block of S. Memorial Dr. – PC consideration pending 04/20/2015.

BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP – Request for rezoning from AG and CG to CS for commercial use for 19 acres to the west of subject property at 12300 S. Memorial Dr. – PC consideration pending 04/20/2015.

Staff searched for but did not find any Zoning or site plan approval records related to the Spartan Self Storage, a 1-acre ministorage development at 12113 S. Memorial Dr. which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's records indicate the facility was constructed in 1998.

BACKGROUND INFORMATION:

No applications were received for the March 16, 2015 Planning Commission Regular Meeting. This application form was received February 26, 2015, and was completed with the receipt of the required

electronic versions of certain application materials on March 19, 2015. On behalf of the Applicant's special development review timeline needs and as requested by Staff, Chair Thomas Holland agreed to cancel the March Regular Meeting and call a Special Meeting for March 25, 2015. The "Chateau Villas" development will ultimately need to be approved for Preliminary Plat, Final Plat, and PUD Detailed Site Plan. The Applicant is working with AAB Engineering, LLC to prepare the plats. The PUD Detailed Site Plan application was received March 24, 2015, and is scheduled for the April 20, 2015 Regular Meeting.

The original PUD 81 Major Amendment # 1 application included the following elements:

- Application form and review fee
- Exhibit G legal description (note: Staff did not use as it did not correspond to existing parcel legal descriptions as used with the original PUD ordinance)
- PUD Amendment text / letter dated 2/26/15
- Photo attachment cited in letter depicting existing multifamily development The Reserve at Elm in Jenks
- "Site Plan" drawing P1
- "Access Gate" drawing P2
- "Trash Enclosure" drawing P5
- "Fence Details" drawing P6.1
- "Fence Details" drawing P6.2
- "Exterior View" elevation rendering

Since the original submittal, different versions of different drawings have been provided in different formats and in different combinations. Staff has attempted to update the PUD Major Amendment # 1 documents with the latest versions of each, and the same are attached to this report. On March 19, 2015, the "Exterior View" elevation rendering was replaced with seven (7) different elevation rendering drawings bearing no unique drawing names or drawing numbers and no date, differentiated only by key codes such as "A1/A2 3/4."

For the sake of comparison, the "Final As Approved" version of PUD 81 is attached to this report.

ANALYSIS:

Subject Property Conditions. The subject property of approximately 23 acres in two (2) tracts:

1. An approximately 16-acre vacant tract at the 8300-block of E. 121st St. S., and
2. An approximately 7-acre tract at 12303 S. Memorial Dr. with what appears to be an unoccupied split-level house on it.

The subject property is zoned CS, RM-3, and OL with PUD 81 "Chateau Villas PUD."

The subject property is moderately sloped and primarily drains to the southeast to an unnamed tributary of Fry Creek # 1, and presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. Widening the channel, under the approved CLOMR-F, would remove the need for onsite stormwater detention for the 16-acre tract. As originally conceived, the channel was only going to be widened enough to drain the 16-acre tract, and no other properties in the area. The area downstream of the southeast corner of the property may have already been widened. Per PUD 81 Applicant Alan Betchan of AAB Engineering, LLC on November 11, 2013, the new development plans may not require widening of the channel located on the subject property, or perhaps not as much widening, due to the creation of less impervious surface compared to the previous development plan. However, it is not clear if the channel on the subject property has already been widened or not. The plans may be modified and resubmitted to the City and FEMA in order to incorporate the 7-acre tract that is now a part of this development proposal. Pursuant to the original, approved CLOMR-F, the previous owner/developer proceeded with the grading; however, Staff has been informed that the grading has not been completed in accordance with the CLOMR-F as of this time. The floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed. The development will pay a fee-in-lieu of providing onsite stormwater detention. This situation is described in the "Drainage" section of the original PUD Text.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has access to the stormwater drainage in the unnamed tributary to Fry Creek # 1 to the east.

Plans for utilities were adequately described in the original PUD's Text and represented on the original Exhibit F, and is discussed further in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates the 16-acre tract subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land. The Medium Intensity designation covers the west 6.26 acres of the 16-acre tract, pursuant to BCPA-3 approved by Ordinance # 2030 in 2010. The 7-acre tract is designated (1) Medium Intensity and (2) Commercial Area.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that CS zoning is In Accordance, RM-3 zoning May Be Found In Accordance with the Medium Intensity designation, and OL zoning May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since RM-3 and OL zoning districts were approved by ordinance of the City Council, these districts have been recognized as being In Accordance with the Comprehensive Plan in the context of PUD 81.

During the review and approval of PUD 81, Staff worked with the Applicant to adjust relative proportions of CS, RM-3, and OL zoning and relative proportions of commercial floor area and numbers and types of multifamily dwelling units to conform to the Comprehensive Plan designations as amended by BCPA-3.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 81 was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Comprehensive Plan as a zoning district.

PUD 81 Major Amendment # 1 proposes making certain changes to design features of the development, but no significant changes to the proposed schedule of land uses compared to the original PUD 81.

Therefore, Staff believes that the existing underlying zoning patterns and PUD 81, and the proposed land uses per PUD 81 Major Amendment # 1, are all consistent with the Comprehensive Plan.

General. The Applicant is requesting approval of Major Amendment # 1 to PUD 81. As submitted, this PUD Major Amendment proposes:

- (1) to increase the maximum building height from 48' to 54' and four (4) stories, and
- (2) to amend the 75% minimum masonry standard, which applies to all buildings, to define masonry to include "concrete or clay brick of any size, natural stone of any size, manufactured stone of any size, cement based stucco, manufactured cement fiber based stucco panels and manufactured cement fiber horizontal siding."

Since the application was submitted, City Staff has had several meetings and other communication with the Applicant to refine the intent of the two (2) amendments, and suggest other amendments be made to facilitate the most appropriate development of the property.

Per the original PUD 81 Exhibit B Conceptual Site Plan, the multifamily element of the development included 12 multifamily buildings and one (1) clubhouse/leasing office. All multifamily buildings were understood to be three (3) stories in height with clay tile rooves and a "Tuscan" theme. The clubhouse was to be between 7,500 and 8,000 square feet, and was to cost \$1 Million. The artist's/architect's perspective renderings of the original designs were included in a PUD Text & Exhibits package received November 25, 2013, and these and certain other drawings were presented at certain meetings including the City Council meeting held on that date. One of the drawings was published in a November 14, 2013 Tulsa World article entitled "High-end apartment complex likely coming to Bixby." Per these exhibits, the buildings appeared to be five-tone, box-like structures with flat elevations except for protruding exterior stairwells. The elevations, considering their description as "masonry," appeared to be traditional stucco or otherwise another cementitious product resembling stucco. The original intent was not clear. Copies of the three (3) perspective drawings are attached to this report for reference.

Since the original November, 2013 PUD approval, the developer has engaged an architect and the designs have changed. The new plans call for a 3,950 square foot "clubhouse" (and an additional detached structure, potentially a poolhouse and/or maintenance and/or mailroom and/or laundryroom building of undisclosed size) and [21] multifamily buildings with a mix of 2-, 3-, and 4-story buildings with variegated elevations and certain percentage of "concrete stone masonry material" and "brick veneer masonry," with the balance of the elevations to be composed of "cement fiberboard masonry material siding." Staff recommends the Applicant bring examples of these products to the Planning Commission and City Council meetings for clarification of the intended materials. The relative percentages of masonry and masonry-alternative types has not been provided. The rooves, apparently of

a similar pitch but now more variegated than the originals, are now proposed to be composed of “architectural asphalt shingles.” The open stairwells are now brought within the building footprints. Staff has received several versions of several architectural plans, but no instructions on what drawings are now intended to be used as exhibits to the PUD Major Amendment # 1 and which are to be recognized as part of the BSP 2015-04 PUD Detailed Site Plan pending Planning Commission consideration April 20, 2015. Un-numbered, undated exhibits have been received showing certain interior and exterior building materials, and appliances, but there are no keys to explain what the codes mean. Per discussions with the developer and architect, the 4-story buildings are not planned to include elevators at this time, but rather would be 2-story units accessed from the open stairwells, with an additional stairwell interior to the units providing access to the 4th floor bedroom(s).

PUD 81 allows, for DA B, 375 units total with a minimum of 75 1-bedroom and 300 maximum “Two+” bedroom. Per the “Unit Mix” table on “Site Plan” drawing P1, the PUD restrictions will be met. Interior floorplans, such as would allow for verification of unit schedule and such as were included with the Encore on Memorial development, have not been provided. These should be included with the PUD Detailed Site Plan.

The traditional definition of masonry includes brick, stone, and stucco. Other masonry-like materials, such as cementitious fiber, are generally categorized as “masonry alternatives.” The Applicant should specify the proposed overall percentages of masonry, including “concrete stone masonry material” and “brick veneer masonry,” and the proposed balance of the elevations, understood to be composed of “cement fiberboard masonry material siding.” Staff is not supportive of the current proposed approach to define masonry as including cementitious fiber. Staff has found no record that the City Council has ever officially recognized masonry to include cementitious fiber or other masonry-like products; such products have always been categorized as “masonry alternatives.” The architect should clarify or explain the intent of the term “concrete or clay brick of any size,” to avoid the possibility of any interpretation allowing cinder block, CMU, or patterned concrete stained to resemble traditional brick. The architect should clarify or explicitly describe the term “cement based stucco” (e.g. application of stucco to a traditional concrete masonry base or to a wire mesh, number of coats, and proscription of EIFS or synthetic stucco). Alternatively, if stucco is not actually planned, as suggested by the latest building elevations, it does not need to be listed. Currently, the 75% masonry requirement applies to every building, and individually and equally. The PUD Text should include language providing for additional flexibility, to explain the proportions of exterior materials are calculated when each building elevation type may vary the relative proportions. For example, building “B1/B2 3” may have A% brick, B% stone, and C% cementitious fiber, while building “B1/B2 3/4” may have X% brick, Y% stone, and Z% cementitious fiber. If the 75% masonry standard is to be modified to some smaller percentage, with the balance being a masonry alternative, Staff has recommended the developer propose the exterior-facing elevations of all buildings, especially those facing Memorial Dr. and 121st St. S., honor the spirit and intent of the masonry requirement by having 75% masonry, with the other, more interior-facing elevations having a smaller percentage. However proposed, this language change to the PUD Text must be clear.

See the attached correspondence from the Fire Marshal regarding the proposed building height increase.

The Applicant originally hoped to have the PUD Detailed Site Plan application also on this March 25, 2014 Planning Commission Special Meeting agenda, and on the March 30, 2015 City Council Special Meeting agenda. However, the application was not completely submitted until March 24, 2015 (which requires a Waiver of the application submission deadline), and in Staff’s estimation, was not in order for consideration as a PUD Detailed Site Plan, which is the final step in the development review process before Building Permits are issued. The developer has not yet had the Preliminary or Final Plats prepared, or the engineering grading, paving, stormwater drainage, utilities, etc. construction plans prepared, which will invariably significantly alter the site plans. Therefore, as recommended by Staff, the Applicant agreed to forestall the PUD Detailed Site Plan review and allow its placement on the April 01, 2015 TAC and April 20, 2015 Planning Commission Regular Meeting agendas. Per discussions with the Applicant, Staff understands that the Applicant desires that the site plan and building elevations be included as exhibits to this PUD Major Amendment # 1, thus to allow the City Council to approve them conceptually and allow for financing to be secured. The financing will depend on whether the numbers and sizes of buildings, including some with four (4) stories, whether the water features may constructed within the development, and whether all other major features of site design will ultimately be approved. To integrate the site plans and building elevations into the PUD Text and Exhibits framework,

- (1) the "Site Plan" drawing P1 should be renamed "Conceptual Site Plan for Chateau Villas" Exhibit B,
- (2) the elevations drawings should have distinct drawing names and numbers,
- (3) the PUD Text under section "Building Façade" should be amended to
 - (A) specifically reference them by name and Exhibit/drawing number and
 - (B) revise the text stating that the elevations will be submitted for Council review at the time of detailed site plan to provide that "final elevations, including every building side, but only one (1) per each unique building type, ...", and
- (4) the PUD amendment letter / text must
 - (A) describe all changes being made (scope of amendment),
 - (B) specify that the site plans are all conceptual in nature and are subject to change,
 - (C) specifically explain that there are now discrepancies between the new Exhibit B and the other exhibits included with the original PUD, and
 - (D) provide that the City of Bixby has the exclusive authority to resolve any design requirement discrepancies between the original and replacement Exhibits B and the other exhibits included with the original PUD.

As they are incompatible with the PUD Text and Exhibits framework, Staff has not reviewed "Access Gate" drawing P2, "Trash Enclosure" drawing P5, "Fence Details" drawing P6.1, or "Fence Details" drawing P6.2 for accuracy or appropriateness. These will be reviewed as a part of the PUD Detailed Site Plan. However, if required for financing purposes, these and/or other site plan drawings may be included, and in such case should also be labeled "Conceptual Site Plan for Chateau Villas" with distinct drawing numbers B.1, B.2, etc. Each such drawing must have a large disclaimer note specifying that they are conceptual and subject to change.

The unidentified detached structure, potentially a poolhouse and/or maintenance and/or mailroom and/or laundryroom, should have building elevations provided and be factored into the overall masonry calculations.

Nonresidential Development Area (DA) A appears to have parking lots overlapping into multifamily DA B. To ensure the creation of no imbalances in the proportional shares of multifamily and nonresidential uses carefully calculated with the original PUD, the DA boundary should be reconfigured around the proposed use areas to avoid this overlap, while retaining the relative proportions of land area. The PUD Text should be amended to explain the change. The DA labels and certain DA boundary lines are missing from site plan, and need to be added. Another linetype, lacking dimensions, resembling a DA boundary is shown separating DA B into northerly and southerly parts – this should be explained. If Staff determines it is not useful for PUD and public development review purposes, it may be removed. The westerly DA D line appears to be represented but is not labeled or dimensioned as to its width (confirm 45'). Another line appears to cut through all the 2-story buildings. Due to relative placement and resemblance, it appears to have been an original parking lot curbline that was not removed when buildings were superimposed. Commercial DA C should include labels on either side of the proposed private street/drive stating "future commercial/office," as per the original Exhibit B and as indicated for DA A. This all needs to be clarified.

The site plan now indicates the addition of water features within the development, identified as "ponds." An apparent, narrow "landbridge" separates the largest proposed new pond from the stormwater retention pond located within Reserve Area A of 121st Center. The width dimension should be added. Reserve Area A should be labeled. The label "detention pond" needs to be replaced with the correct terminology "retention pond." The interfaces between all these features are not clear. Plans for safety around the water features has not been provided. Water depths, existing and proposed, have not been provided. The [new] "pond(s)" have been described as including fountains, but the site plans do not show same and no plans have been provided.

The key codes used on the building elevations (e.g. "A1/A2 3/4") do not match those used on the site plan (e.g. "A1/A2.3"). The "Building Footprints" legend on the site plan does not explain why some portions of certain buildings are shaded (likely indicative of building parts extending to the fourth story). This should be labeled to remove the necessity of guesswork. Certain building types may be missing, and should be added in that case.

The building elevations provided show only the building fronts; side and rear elevations have not been provided. This will be a requirement for the PUD Detailed Site Plan as per PUD 81 and as per the replacement language recommended herein.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for minor needed corrections and site development considerations, please review the recommended Conditions of Approval as listed at the end of this report. For the same reason, the more substantial review comments described in this analysis are not individually repeated in the recommendations, but are covered by a review comment referring back here.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Since the building height and masonry and other siding materials matters do not necessarily require technical or engineering input, since the PUD Detailed Site Plan will be reviewed by the Technical Advisory Committee (TAC) in the April agenda cycle, due to the lateness of the submission of all required documents, and due to the irregular scheduling of this application, Staff did not schedule, and the TAC did not meet to discuss this PUD Major Amendment.

Access and Internal Circulation. *Plans for access and internal circulation are described in the "Vehicular and Pedestrian Access and Circulation" section of the PUD Text as follows:*

"The attached Exhibit E depicts the vehicular and pedestrian access points and circulation anticipated to accommodate the conceptual site plan. Access to the parcels of development area A and B will be provided by a privately maintained street. This street will be maintained by the property owners association created for the development. The Multi-Family portion of the development will restrict access to the general public using gates, the specific location of which will be determined at detailed site plan submittal. All such gates will be subject to approval of the City of Bixby Fire Marshall and Engineering. Access to the lots within Development Area C will be derived by privately maintained streets and shall not be permitted more than one (1) direct connections to 121st Street South per lot. All driveway and/or street connections shall be reviewed and approved by all jurisdictions having authority, including but not limited to City of Bixby Engineering and Fire Marshall and the Oklahoma Department of Transportation.

Pedestrian connectivity will be provided by new sidewalks along all private streets as well as internal sidewalk circulation within the Multi-Family development. This sidewalk system will be designed to not only serve the immediate access issues to each building but also to serve as a walking trail system that will circulate throughout the property."

Plans for access can be further inferred from the site plans. Primary access to the development would be via one (1) boulevard-style private street connecting to Memorial Dr. and serving DAs A and B, and a secondary private street connecting to 121st St. S. The multifamily development will be gated.

Sidewalks internal to the multifamily development are indicated, but not labeled as such or as to width. The Exhibit B Conceptual Site Plan does not indicate sidewalks along Memorial Dr. or 121st St. S., as required, nor along the private streets/drives connecting to both arterials, as should be expected. Sidewalks connecting the multifamily and commercial development areas appear to be indicated, but they are not labeled as such or as to width. Accessible paths between public streets and building entrances, as may be required by ADA standards, should be represented on the "Site Plan" drawing P1 or detailed on same when reviewed in the context of BSP 2015-04 in April.

In Staff's opinion, the current site plan indicates inadequate sidewalk connectivity to meet the PUD Text's plans to "not only serve the immediate access issues to each building but also to serve as a walking trail system that will circulate throughout the property." This PUD language was added in response to Staff's suggestion to enhance the development quality by adding a walking trail amenity along the Fry Creek tributary, a standard recommendation for multifamily developments. Alternatively, a walking trail amenity could be added as originally recommended. Water features are normally ringed by pedestrian pathways, but none is indicated on the site plan. Most parking lots do not show sidewalks connecting to the apartment buildings. In Staff's estimation, the existing Exhibit B conceptual site plan shows a much superior sidewalk connectivity plan than is now proposed. Enhancements appear to be in order.

Surrounding Zoning and Land Use. *Surrounding zoning is a mixture of AG, RS-1, RS-2, RS-3, RD, CS/RM-1/PUD 6, OL, CS, CG, CS/PUD 29A, and OL/RS-1/PUD 77. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.*

Across 121st St. S. to the north is the Memorial Square duplex-style condo/apartments and vacant lots zoned CS & RM-1/PUD-6, and single-family residential to the northeast zoned RS-1, commercial in the

Town and Country Shopping Center to the northwest zoned CS, and further north, duplexes along 119th St. S. zoned RD, all in Southern Memorial Acres Extended.

South of the subject property is The Boardwalk on Memorial commercial strip shopping center zoned CS/PUD 29A, vacant land and a single-family house behind it zoned OL/RS-1 and PUD 77 zoning for a ministorage development. Farther south is single-family residential in Gre-Mac Acres and Southern Memorial Acres No. 2 zoned RS-1 and RS-2.

Abutting to the east is single-family residential and the Bixby Fire Station #2, all in the Houser Addition and zoned RS-1.

Abutting to the west is commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract zoned at 12113 S. Memorial Dr., all zoned CS. Across Memorial Dr. to the west is Rd. is agricultural land zoned AG and CG and the Easton Sod sales lot zoned RS-3, OL, and CS.

Duplex residential uses in Memorial Square are fairly well buffered by the 121st St. S. primary arterial and its stormwater detention facility to the north of the street. Residential uses to the northeast in Southern Memorial Acres Extended are buffered by Bixby Fire Station # 2 and the large stormwater drainage and detention facility on Lots 8 and 9, Block 15, Southern Memorial Acres Extended. Residential uses to the south in Gre-Mac Acres are buffered by the 170'-wide vacant tract of OL-zoned land behind The Boardwalk on Memorial shopping center, which has received some development entitlements for the "Byrnes Mini-Storages" Use Unit 16 ministorage development pursuant to PUD 77, which zoning districts and ministorage use are appropriate buffers between residential and more intensive uses.

Staff believes that, in its final form, the existing underlying zoning patterns and the original PUD 81 are consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area. The multifamily use of the majority of the acreage, and the OL district which remains on the easterly approximately 10 acres of the 16-acre tract, should provide an appropriate transition zone between the large commercial area and CS district to the west and the single-family residential uses to the east and southeast in Houser Addition and Southern Memorial Acres No. 2.

Maintenance of Original Minimum Buffering Standards. As expressed in the review of PUD 81, Staff has some concerns that the plans for screening, landscaping, and buffering as now proposed would not compare favorably to the minimum standards of PUD 68, which it replaced.

For PUD 68, the "Screening" Development Standards for Development Areas C (ministorage on Lot 3) and D (drainage channel, etc.) provided:

"[The east boundary of] Development Area ["C" / "D"] shall be [permanently] screened from the [adjoining] residential district [to the east and south] by an opaque wall or fence which shall be:

1. Designed, constructed and arranged to provide a visible separation of uses, irrespective of vegetation;

2. A minimum height of 6 FT placed inside the [D]evelopment [A]rea boundary line; and

3. Constructed with all braces and supports on the interior.

The visual screening shall be maintained by the owner of the lot or lots comprising Development Area "C".

Per the Conditionally Approved revised plat of "North Bixby Commerce Park," the easterly 55' to 85' of the 16-acre tract was to be platted as Reserve A. The 85'-wide section had an additional 30' to accommodate the private commercial street, and the 55' balance was to contain the widened drainage channel. When the Planning Commission Conditionally Approved the Detailed Site Plan (BSP 2010-01) for PUD 68 on July 19, 2010, it approved a low masonry wall for not less than the northerly 100' of the easterly property line, and for the balance, a 6'-high wood screening fence along the east, south, and west borders of the 16-acre tract, the west border to the extent it abutted the 7-acre subject property. For the masonry wall section, it was allowed to be a low-slung wall, matching the height and masonry style used in front of the Fire Station # 2. Ultimately, that developer proposed to provide 125' of this masonry wall, corresponding to the southerly line of Fire Station # 2 (but stopping short of the northeast lot corner due to drainage infrastructure). The PUD requirements for DAs C and D were interpreted at that time as

requiring only one (1) screening wall/fence, provided that there was adequate overlap toward the southerly end of the easterly line, where the drainage channel exited the east property line. The PUD 68 exhibit indicated 25 landscaping trees along the easterly property line, and BSP 2010-01 as approved included 32 along this boundary. For the most part of the easterly line, the trees were on the top of the west bank of the widened channel, providing additional screening. The original PUD 81 Exhibit B conceptual site plan indicated the replacement or addition of existing chain-link and wood fence sections along the easterly line of DA D with a "wood fence," and the addition of a "combination wood and ornamental fence" along the westerly line of DA D. The current site plan indicates a singular "wood fence" some unspecified distance west of and parallel to the westerly line of DA D, with no plans for the easterly line of DA A. Although not a part of this PUD 81 Major Amendment # 1, the current landscape plan, received March 24, 2015, indicates approximately 28 trees along the east side of the multifamily DA B, which is fewer than the 32 trees originally approved for the PUD 68 "North Bixby Commerce Park" development. Recognizing that the most critical areas in need of buffering are to the east and southeast, Staff recommends, for this PUD 81 Major Amendment # 1, that the commercial and multifamily uses be screened by no less a standard than was last approved for the subject property. Any changes to plans pursuant to this recommendation should be specified in the relevant section of the PUD text and be represented on an appropriate exhibit. The exception to this recommendation is the masonry wall element, as that was likely in response to the need to screen "trade center" / "office-warehouse" buildings from view on 121st St. S., which buildings would likely have been metal. In this PUD, the uses would consist of multifamily buildings and conventional retail along the street frontage.

The easternmost buildings now planned have been reduced to 2 stories, to the benefit of the privacy of the single-family residential uses in Houser Addition. The buildings now are indicated farther westerly than the 75' minimum setback recommended and included in the original PUD 81. However, Staff continues to recommend the Applicant should consider window-facing restrictions or window-screening measures, etc. Clerestory lighting/windows would appear to be a method to address privacy concerns while allowing natural light from easterly/northeasterly-facing 2-story buildings.

PUD Prerequisites. Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

Regarding the fourth item, the "standards" refer to the requirements for PUDs generally and, per Section 11-7I-2, the "purposes" include:

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. As acknowledged in the original PUD 81 Text, subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.

2. *As acknowledged in the original PUD 81 Text, Subject to City Engineer curb cut and/or ODOT driveway permit approval for the proposed access points to Memorial Dr. (US Hwy 64) and 121st St. S., and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.*
3. *As acknowledged in the original PUD 81 Text, the subject property presently contains an area of 100-year floodplain, attendant to an improved drainage channel along and within the eastern boundary of the 16-acre tract. Per a letter dated September 21, 2009, the previous owner/developer was approved by FEMA for a CLOMR-F to widen the channel and increase its capacity to a level providing for the 100-year flow and use the borrow material as fill to elevate the development land above the 100-year Floodplain. The floodplain issue must be resolved through the City and FEMA approval process before the subject property can be developed.*
4. *In the interest of efficiency and avoiding redundancy, regarding PUD particulars for major needed corrections and site development considerations, please see Analysis above.*
5. *The "drivelane" term used on the site plan is imprecise – please replace with more appropriate terminology. PUD 81 describes the accessways as "private streets." Please amend the relevant PUD Text if any part or all of former "private streets" are now proposed to be private driveways.*
6. *The Location Map used on the site plans does not include all of the subject property – please revise.*
7. *Please remove inaccurate information "West Jasper Street" from the Location Map.*
8. *Dimensions are lacking along DA C and elsewhere throughout the site plan – please revise.*
9. *Please identify linetypes within and just east of the southeast corner of the 16-acre tract.*
10. *Please explain "RIP RAP" within and just east of the southeast corner of the 16-acre tract.*
11. *Please reconcile the discrepancy between building type keycodes used on P1 and on the elevations drawings.*
12. *The "Building Footprints" legend on "Site Plan" drawing P1 includes symbols customarily associated with exterior light fixtures, which would appear to be wall-mounted lights in this case. These are appropriate on BSP 2015-04 "Site Lighting Plan" drawing P1-1 (or perhaps, "P1-L"), but should be removed from P1.*
13. *Please identify areas proposed for landscaping consistent with the original Exhibit B (e.g. "landscaping," "sod," "grass," etc.).*
14. *The original "Site Plan" drawing P1 showed "Combination Ornamental Metal and Wood Fence," but the version received 03/24/2015 now shows these fence sections as simply "wood fence." The original Exhibit B showed these fence sections as "Combination Wood and Ornamental Iron Fence." Please reconcile the fence plans shown on P1 with the original Exhibit B, or explain discrepancies. Upgrade substitutions will be acceptable, but downgrade substitutions and removals will not.*
15. *All proposed fences need to be labeled as to height and composition.*
16. *All existing fences need to be labeled "existing" or similar and described as to height and composition, to allow them to be differentiated from new fences proposed. Please also explain if any will be removed or if new fences will be installed parallel to same, along with details on offsets.*
17. *A fence is now indicated as proposed along the southerly propertyline. Please explain plans for coordination with the "Byrnes Mini-Storages" development. Reference relevant analysis in original PUD 81 Staff Report.*
18. *A fence, likely required for the sake of safety, is not indicated around the pool – please revise or advise.*
19. *Street right-of-way width dimensions included on Exhibit B, for both Memorial Dr. and 121st St. S., are not included on proposed replacement P1 Exhibit B. Please add.*
20. *Extreme text and linework congestion at the northeast corner needs resolved.*
21. *Please compare P1 to the original Exhibit B and restore all missing information.*
22. *Text and linework along the top of P1 appears to be cut off – please restore.*
23. *The private street, from the circular drive west to the intersection with Memorial Dr., is missing width dimensions and radii.*
24. *Please identify the "cell-like" polygons around the northerly and easterly sides, which resemble parking spaces. If they are parking spaces, please label as such, provide dimensions and, if the*

- same would not comply with the parking design standards of the Zoning Code, please provide for design flexibility within the text of the PUD amendment.*
25. *Please add the number of parking spaces in each parking lot strip, as customary, to allow for verification of parking number counts cited.*
 26. *Southeastern-most 2-story building missing proposed setback from easterly propertyline. Please add this and all others missing.*
 27. *The southeastern-most 2-story building does not appear to comply with the 75' setback from Houser Addition – please revise.*
 28. *Please correct the representation of the 75' building setback line from Houser Addition.*
 29. *Please resolve text/linework congestion along the 130' PUD boundary shared with Houser Addition and elsewhere throughout the "Site Plan" drawing P1.*
 30. *Linetypes, abbreviations, and symbols used throughout P1 are not included in a Legend – please add a Legend with all such elements or identify each in situ.*
 31. *Project Data Form summary: Please explain terminology "Grandview Heights."*
 32. *Project Data Form summary: Other than the minimum number of parking spaces required for the schedule of unit types listed, Staff has not verified the numbers or calculations provided – please double check for accuracy and make any corrections necessary.*
 33. *Staff has not yet reviewed the PUD Detailed Site Plan for compliance with the Zoning Code or PUD 81. It is highly likely that additional PUD amendments may be required upon a full review. The Applicant is advised to review their site plans and compare same to the Zoning Code and PUD 81 and propose any additional PUD amendments as may be found necessary.*
 34. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*
 35. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Jerod Hicks asked for clarification of the height matter. Erik Enyart stated that he had spoken with the Fire Chief and Fire Marshal about their recommendations on the maximum building height, and they confirmed that 50' was the highest they could support, based on available fire apparatus capabilities. Mr. Enyart stated that the building elevations showed one type of 4-story buildings at 50' in height and another type at 51' in height. Mr. Enyart stated that, in his conversation with the Fire Chief, he understood that the height concern included factors such as the distance between the curb and the building, the height of the ladder, and the angles needed to be able to fight fires from up above the roof.

Chair Thomas Holland stated that he had spoken with the Fire Marshal, and that the Fire Marshal was recommending additional gyp[sum] board / sheet rock and had other recommended modifications to augment fire protection. Discussion ensued regarding correspondence with the Fire Marshal on Page 40 of the Agenda Packet. It was noted that the Fire Marshal was recommending the building height not exceed 50' and that there be additional recommendations met regarding additional building modifications to augment fire protection.

Erik Enyart noted that, for financing purposes, the developer was asking to replace the Exhibit B conceptual site plan in the PUD with the new site plan, but, due to the high level of detail, there

were a lot of review comments. A Planning Commissioner expressed concerns about changes to the plans after Planning Commission recommendation. Mr. Enyart stated that the documents in the Agenda Packet would be the record of what the Commission would be voting on. Lance Whisman expressed concern that, due to the rushed nature of the application and compressed review timeline, that something would be missed. Mr. Enyart stated that there was a chance that he missed some things during his review, but estimated that he caught at least 95% of everything he would have had he had more time to review the application, and he would have “tightened up the language” in the Staff Report. Mr. Enyart stated that he was confident that he found all of the “glaring issues,” and that the 5% he may have missed would consist of typos and cosmetic matters.

Chair Thomas Holland noted that the Fire Marshal was recommending that all open stairways [be equipped with sprinkler systems].

Discussion ensued regarding the definition of masonry. A Planning Commissioner asked for clarification about the Staff recommendation pertaining to stucco. Erik Enyart stated that the Applicant’s amendment request letter included “stucco,” but he did not see it used on any of the building elevations, so he was recommending it be clarified or removed.

A Planning Commissioner asked about the timeline for constructing the commercial development areas. Erik Enyart stated that the Applicant could correct him if he was wrong, but he thought that the first phase would be the multifamily development area that [the developer] would build and own, and the developer would be either owning or selling the commercial development areas for others to develop.

Kevin Jordan of Black Gold Group, LLC confirmed that he would be selling the commercial development areas. Mr. Jordan described the project and adjacent properties in *121st Center* and their owners, financing considerations, and the timeline of his acquisition of the subject property. Mr. Jordan stated that he closed on the 16-acre tract around April/May of 2014, but due to a family dispute and title problems, he was not able to secure the 7-acre tract until just before the new year. Mr. Jordan stated that there ultimately had to be a quiet title suit / Sheriff’s sale before he could acquire that piece, and that he was not sure at one point that he would get it and thought he might have to “be in the ministorage business” [per PUD 68].

Kevin Jordan stated that multifamily was “exploding in the region,” and required qualified contractors. Mr. Jordan indicated that [this application was an exercise to quantify] final numbers before [the specialized multifamily contractors] move on down the road [to another multifamily project]. Mr. Jordan estimated that[, if he missed this window of availability,] he would experience another six (6) months lag in contractor availability. Mr. Jordan stated that he could make the 50’ [maximum building height] work, but would prefer 51’, as it affected the roof pitch and appearance of the buildings. Mr. Jordan stated that this development would be second to none and compared it to *The Enclave [at Brookside]*, but stated that no one had done something like this in the suburbs. Mr. Jordan stated that the units would have higher-end finishes and looks, including faucets, granite tile, and hardwood beams. Mr. Jordan stated that he planned to add water features, and he needed the dirt, and it was cheaper than [buying and hauling in] dirt from offsite. Mr. Jordan stated that he was exploring using a well to keep the water levels topped off and may or may not work out a deal with the owners of the existing [stormwater retention pond in Reserve Area A of *121st Center*], and

whether or not he would own it, he would work with the owners to work on the pond to allow it to be a feature for viewing. Mr. Jordan reiterated that there would be commercial development later, and that the first part would be the apartments. Mr. Jordan stated that they would be unlike anything [else] in town. Mr. Jordan stated that he would like to start on the clubhouse first and one (1) four-story building to have a model home for leasing. Mr. Jordan stated that the first designs for the multifamily buildings included “stucco-appearing” materials, and were “90% stucco and 10% split-faced block,” and were “not very attractive.” Mr. Jordan stated that, at the City Council Worksession meeting [held March 09, 2015], he proposed “30% brick and rock and 70% cement boards,” but that, after he heard from the Council, he amended them to an average of 40% brick and rock. Mr. Jordan stated that some of the buildings would have 65% on some elevations, and 20% on others, but “we will average 40%.” Mr. Jordan stated, “I understand you don’t want to set a precedent” by recognizing [James] Hardie [cementitious fiber] as masonry. Mr. Jordan stated that it was basically concrete siding, and he understood that there were problems in the past, but those materials were probably old “Masonite” products. Mr. Jordan discussed steel, plastic, and “OSB” [Oriented Strand Board] materials, with metal and plastic connectors in other applications.

Jerod Hicks confirmed with Kevin Jordan that he was planning to use “Hardie Board” and not “Dryvit.” Mr. Jordan stated that the wording would be modified to state that 60% would be “Hardie Board” type materials and 40% would be brick and stone.

Lance Whisman expressed concern about the terminology used in the amendment request letter, and noted that the terms “manufactured stone” and “veneer” could essentially allow concrete. Discussion ensued. Erik Enyart stated that he had recommended the Applicant bring samples of the products to be used to both the Planning Commission and City Council meeting, but that he knew when writing that the previous day that it was not likely they would be able to bring it to this meeting, but it was his hope that they could bring them to the City Council meeting. Mr. Enyart stated that he was also recommending that the Applicant further specify the percentages of each building material within each category, the percentage of brick and percentage of stone within the category of traditional masonry and [the percentages of types of] masonry alternatives. Kevin Jordan indicated he would rather not [specify each individual material’s percentage].

Chair Thomas Holland clarified with Kevin Jordan that the shading system represented on the site plan was indicative of the buildings or parts of buildings which would have four (4) stories.

Larry Kester of Architects Collective stated that he was considering a special type of stone from Arkansas that could be used in the lower levels of the buildings.

Larry Whiteley asked if the buildings would be wheelchair-accessible. Larry Kester stated that only the clubhouse building would be, but that all groundfloor units must be handicapped-accessible. Mr. Whiteley asked if the fourth floors would not be wheelchair accessible, and Mr. Kester responded that Federal law only covered the first floor. Mr. Whiteley asked if there would be elevators. Kevin Jordan stated that elevators were \$3/4 Million apiece.

Discussion ensued regarding siding materials. Larry Kester stated that, when they first came out, James Hardie products came with a 40-year warranty, but that this was now a 30-year warranty, but they are “still very good.” Jerod Hicks asked if the developer would be using lap siding or 4 X 8

sheets, and Kevin Jordan responded 4 X 12 [boards]. It was noted that contractors sometimes use nail guns with the pressure too high, which cracks the boards. Mr. Hicks stated that the *Marquis [on Memorial]* had some [panels] that “wind got behind,” and that he had advised them to have them reattached before the next big wind. It was asserted that the panels should use screws, rather than nails, and that the [James Hardie cementitious fiber product] was better than stucco with the freeze/thaw cycles around here.

Chair Thomas Holland asked the Applicant if they were not also proposing to modify the rooves. Kevin Jordan stated that the original plans were for clay tile rooves and some asphalt shingles, but that clay tile rooves [do not perform as well as in] Dallas or Houston. Mr. Jordan stated that [there would be a significant increase in rates for] insurance if the clay tile rooves were [put on buildings with] more than two (2) stories, and stated that the tiles [could fatally injure] someone if they were to fall on their heads. Mr. Jordan stated that the proposed shingles would have a shadowed look [resembling clay tile rooves] [from the perspective of] “three (3) stories down or 50’ away.” Mr. Jordan stated that he planned to have actual tile on the clubhouse.

Jerod Hicks clarified with Larry Kester the brand name and specific product proposed for the shingles. Mr. Hicks then stated that these would be an “expensive, high-end product. They didn’t cut corners on that aspect of it.”

Indicating ongoing storms during the meeting, Larry Whiteley asked if the development would have facilit(ies) to go to if there were storms. Kevin Jordan stated, “Not for 500 people” but that they would be “well built, like a single-family home.” Larry Kester stated that they must be designed to withstand a 90 mile-per-hour, 3-second gust, and so would have fasteners and hold-downs. Mr. Kester stated that [such multifamily buildings] must be designed for 130 MPH at the [Atlantic] Coast.

Chair Thomas Holland recognized Debbie Bailey of Florida and 222 L St., Eufaula, from the Sign-In Sheet. Ms. Bailey stated that she owned the property between the *McDonald’s* and the commercial property [Development Area C of subject property] on 121st St. S. Ms. Bailey stated that she had a few concerns. Ms. Bailey stated, “He will build commercial next to mine.” Ms. Bailey stated that she had sold a small piece of property to *McDonald’s*, which helped because they had had employees walking across the street [due to inadequate onsite parking]. Ms. Bailey stated that her concern was that the access not be blocked off and for “the easement.” Ms. Bailey stated that, in Florida, “Hardie is considered CBS.” Ms. Bailey stated that she was “for progress with the four stories,” which she would consider “luxury.” Ms. Bailey stated that Chris [Johnson] was present representing *North Carolina Furniture Mart*. Ms. Bailey stated, “We’re all percentage owners” [of the Reserve Area A stormwater retention pond facility]. Ms. Bailey stated that she had been talking to the City of Bixby “[for] at least 10 years.” Ms. Bailey stated, “It’s ugly, and someone died in it.” Ms. Bailey stated that she had talked to [City Engineer] Jared [Cottle] and asked him to “please consider allowing us to do something with it.” Ms. Bailey stated that she “used to own it with my Carpet Center husband.” Ms. Bailey stated, “I don’t think it was ever proven it actually works.” Ms. Bailey stated that the original design was from [the property developer,] from whom she bought the property.

Chair Thomas Holland stated that, if and when that development would come before the Planning Commission, it would talk about it then. Mr. Holland asked Erik Enyart for confirmation. Mr. Enyart indicated agreement and stated, "At this time, their plan doesn't include the retention pond at all." Debbie Bailey stated, "I haven't talked to Mike at *Atlas [General Contractors]* yet or met him." Mr. Enyart stated, "If they come to us with a plan to do something with the retention pond, the City of Bixby would talk to them and help with information, but we wouldn't be involved in a private transaction."

Jerod Hicks asked if the [multifamily] development would be gated, and the Applicant responded affirmatively. Discussion ensued regarding the use of wrought iron and/or privacy fences and other site plan details. Patrick Boulden advised that the discussion should focus on the "only real issues," being the [maximum building height] and cementitious [fiber and related siding content].

Chair Thomas Holland recognized Jim Asbury of 11950 S. 73rd E. Ave. from the Sign-In Sheet. Mr. Asbury stated that he was a resident of [the] Fox Hollow [subdivision] and was on the Board of the Homeowners Association. Mr. Asbury stated, "As the Board, we are opposed to four (4) stories." Mr. Asbury expressed concern for the height of the buildings, and noted that the *SpiritBank Event Center* was much higher, but the height was still a concern. Mr. Asbury stated that he was "not against development." Mr. Asbury thanked the Commission and returned to his seat. Erik Enyart addressed Mr. Asbury and stated, "Thank you for your comments and I understand your concern and appreciate your perspective. Not to belittle your concerns, but they are already legally entitled to 48 feet." Mr. Enyart stated that the development was "not restricted to three (3) stories."

Chair Thomas Holland recognized Jay Mauldin of 7341 E. 119th Pl. S. from the Sign-In Sheet. Mr. Mauldin provided handouts consisting of certain pages from the Planning Commission meeting of November 18, 2013, at which the Planning Commission first considered PUD 81. Mr. Mauldin stated that, as it concerned apartments, in 2010, PUD 70 [Encore on Memorial] originally proposed three (3) story apartments directly across from Fox Hollow. Mr. Mauldin stated that he and his neighbors strongly opposed it, it was amended, [and ultimately relocated and built where it is now]. Mr. Mauldin stated that PUD 76 was then proposed for 92 acres and included an apartment complex due north of Encore, and with three (3) stories. Mr. Mauldin stated that it was opposed, [the multifamily element] was Withdrawn, and there was peace in the Universe. Mr. Mauldin stated that, then in mid-2013, Major Amendment [# 2] to PUD 76 was proposed [to reintroduce multifamily to the PUD], and it was Tabled indefinitely. Mr. Mauldin stated that PUD 81 was proposed the next month. Mr. Mauldin referred to page 40 of the Minutes of the November 18, 2013 Planning Commission meeting, where he was quoted as saying that he would "'reserve comment at this time.'" Mr. Mauldin stated that this was "the sum total of my involvement in PUD 81." Mr. Mauldin stated that he had spoken on PUDs 70 and 76 and gave recommendations about them. Mr. Mauldin stated, "I don't want it said that I am 'anti-apartments.' I'm not and never have been." Mr. Mauldin stated that, given the presentation given [when PUD 81 was first proposed], he thought it would be a good thing. Mr. Mauldin stated that the Commissioners would recall that he had long called for an "elegant retail environment" for the 121st St. S. and Memorial Dr. area. Mr. Mauldin stated that he thought [the subject property] was unlikely to be retail. Mr. Mauldin stated that the qualitative attributes, such as the clay tile rooves, could serve as a new benchmark for the rest of the area, on the west side of Memorial Dr. Mr. Mauldin stated that he thought this would

raise the standards [for the area]. Mr. Mauldin quoted the highlighted text on page 39 of the Minutes of the November 18, 2013 Planning Commission meeting,

“ Kevin Jordan provided perspective elevation renderings of the apartment buildings and clubhouse, and observed that they would have clay tile roofs. Mr. Jordan stated that he was the owner of Black Gold Group, and this would not be a speculative project— ‘what you see is what you get’ ”

Jay Mauldin stated that no one opposed this development “as it was originally proposed, except two (2) City Councilmen.” Mr. Mauldin referred to [page # 11 of the Staff Report on] page 22 of the Agenda Packet, and stated that, per the last sentence there, it “seems we’re peeling away from what was originally presented.” Mr. Mauldin reiterated that the original proposal was not opposed except by “two (2) City Councilors.” Mr. Mauldin stated that there were reasons to oppose the application. Mr. Mauldin referenced page # 12 of the Staff Report found on page 23 of the Agenda Packet, and quoted the sentence fragment including “Staff is not supportive...,” referring to the original approach to define masonry to include masonry alternatives. Mr. Mauldin expressed concern for the proposal to allow “Hardie board horizontal siding,” as per the final paragraph in the original request letter on page 35 of the Agenda Packet. Discussion ensued pertaining to the type of siding materials proposed. Erik Enyart noted that the immediately preceding paragraph of that letter described plans for “manufactured cement fiber based stucco panels,” which appeared to be distinguished from “horizontal siding.” Mr. Mauldin expressed preference, “To the extent we can pin this down,” to “not have any more surprises.” Mr. Mauldin expressed concern for the fourth story. Discussion ensued regarding the 48’ versus 50’ height matter. Mr. Enyart stated, “The PUD doesn’t restrict to three (3) stories.” Mr. Mauldin asked if the Zoning Code did not restrict to three (3) stories. Mr. Enyart consulted the Zoning Code and confirmed, “It does say three stories across the board” [in Residential districts]. Mr. Mauldin stated, “The architect was aware of the three (3) story limit and the City Planner read it in the [Zoning] Code.” Mr. Mauldin stated that [the Encore on Memorial and new commercial buildings in PUD 83/*River Trail II*] helped to obscure the “industrial buildings on the south side of Fry Creek [# 1],” and “as the rest develops, Encore’s visibility will diminish.” Mr. Mauldin stated that, “behind the furniture store, four (4) stories will be very visible,” and until the *McDonald’s* and other buildings were razed and replaced with taller buildings, this would be “the dominant feature at this intersection for a long time, or perpetuity.” Mr. Mauldin stated that this would make it harder to do “elegant retail” here, and “we need retail at that intersection.” Mr. Mauldin expressed concern for the precedent of allowing a fourth story for residential. Mr. Mauldin stated that the City had four (4) story hotels, but no four (4) story residential [structures]. Mr. Mauldin stated, “We don’t have it and don’t need it.” Mr. Mauldin stated, “If you let this happen, it will happen again,” when some “aggressive developer” would come. Mr. Mauldin stated that there was some “unplatted land to the west of Encore,” and it was “plausible that Encore would develop it into” [additional apartments], and they may “want to go to four (4) stories.”

Chair Thomas Holland expressed objection to using such hypotheticals.

Jay Mauldin asked if the City would change the [Zoning] Code to allow four (4) stories. Mr. Mauldin stated that there was “no compelling reason” to allow this, and he would “rather ministorage” be built there, as his personal preference.

Chair Thomas Holland stated that ministorage was not on the agenda. Jay Mauldin stated that [Kevin Jordan] had talked about ministorage earlier in the meeting. Erik Enyart stated that he believed that [Mr. Jordan's statement] was "made in reference to the old, old PUD [68] with the ministorage [featured element]," and that it was an "offhand comment, not a proposal."

Jerod Hicks addressed Jay Mauldin and stated, "I can see your interest and agreed that the decisions we are making now can impact" the City 30 years down the road.

Chair Thomas Holland asked, rhetorically, what difference the 48' versus 50' height made, and why three (3) stories would be okay but four (4) would not. Mr. Holland stated that the PUD was approved previously, and now the City was deciding whether to allow them to make amendments. Mr. Holland discussed the changes proposed. Mr. Holland stated, "I share concerns about a lot of what you said." Mr. Holland stated that, whether 48' or four (4) stories, one would probably not be able to tell, from Memorial Dr., two (2) feet of difference.

Larry Whiteley addressed Jay Mauldin and stated that this was just the first step of the process, and advised him that he could "always go to the City Council and see what they do."

Upon a question, Erik Enyart confirmed that the fourth story matter defaulted to the Zoning Code.

Kevin Jordan noted that [a barrel of] oil was "now \$50, not \$100," and indicated this could affect the development. Mr. Jordan stated that he had visited the Encore on Memorial and was surprised to see so many tenants "like me," in their 50s and 60s. Mr. Jordan stated that, for Mr. Mauldin's benefit, he could try to squeeze in another [commercial] pad site. Mr. Jordan stated that the building height was an "early dispute," and he was now proposing to change the three (3) story buildings [along the east side near *Houser Addition*] with two (2) story buildings, and that the fourth stories would be "more than 500' from Memorial" Dr., and further back than [a] hotel [would be].

Lance Whisman and Chair Thomas Holland discussed with Erik Enyart the nature of PUDs and what they can and cannot do. In reference to PUD amendments, Mr. Enyart noted that, "Once they're opened up, we can make changes to make them operate the way we need them to. Mr. Enyart stated that the PUD did not restrict the development to three (3) stories, but as this was restricted by the underlying Zoning Code, Staff was inclined to interpret this situation as defaulting to the underlying Zoning Code unless the PUD contained positive language allowing the fourth story.

Chair Thomas Holland discussed with the Applicant how the height change would affect the development. The Applicant stated that the units would have 9'-high ceilings, and 9' plates, and the change would alter the look of the buildings. It was expressed that a 4:12 or 5:12 roof pitch would not be as good a look as a higher-pitched roof, and higher pitches are better at shedding water.

Steve Sutton asked Kevin Jordan, "Would it be a deal-killer if we say only three (3) stories?" Mr. Jordan responded, "Can't say. It messes with my economics," and suggested that he would not be able to have the water features, and would have to put three (3) stories back along the east side, and there would be no elevators. Mr. Jordan stated that it would "change the target market." Mr.

Jordan stated that he wished he had had the forethought a year ago. Mr. Jordan stated that he was hoping to see a *Los Cabos*-type restaurant looking over the pond, and elevators would be seen as progress. Jerod Hicks asked Mr. Jordan, "If we say okay to four (4) stories, can you guarantee elevators?" Mr. Jordan responded, "No." Mr. Hicks noted that the City wanted more residents and that this would bring more residents. Mr. Hicks stated that the City wanted more fire and police and to maintain a high quality of life. Mr. Hicks noted that the Zoning Code was written [in or around the early 1970s], and that there had been a lot of changes since then. Mr. Hicks expressed his desire for progress, more population, and more business, competing against Jenks and Broken Arrow, and attracting the right sort of people.

Kevin Jordan stated that the average rent would be 20% to 30% more costly than the average home in Bixby. Mr. Jordan stated that [these apartments would attract tenants with high levels of] disposable income. Mr. Jordan estimated that the type of restaurant he was trying to attract could do \$3½ to \$4 Million in sales annually.

It was noted that elevators would raise the quality of the development. Kevin Jordan stated, "If you say I must do one (1) [elevator], okay. I like townhouses, and don't want to do elevators." Jerod Hicks discussed the relationship between higher rental rates and the sort of people that would be able to afford them. Mr. Jordan noted that this development had six (6) acres of [potential] retail land available, and that there were other commercial properties adjacent.

Lance Whisman stated that he initially had serious concerns that the changes, and not doing the tile rooves, and that this might be backtracking. Mr. Whisman discussed an apartment development at 91st St. S. and Delaware Ave. where apartments were constructed looking over single-family homes.

Jerod Hicks and Lance Whisman discussed the fourth story and 48' versus 50' height matter.

Jerod Hicks noted that the younger generations are not as interested [as previous ones] to buy a house and get into debt, and would rather rent and not have to paint or take care of the house, mow the yard, and not be locked if they were to take another job, and to be free to take a vacation. Mr. Hicks stated that they would rather lose a deposit than lose a house or face bankruptcy.

Erik Enyart stated that Lance Whisman had expressed concern for the building height in proximity to single-family homes, and that Jay Mauldin had earlier expressed concern for setting a precedent. Mr. Enyart suggested that the PUD impose a minimum setback between the fourth story and the nearest propertyline of a single-family home, which would correspond to the actual setback proposed. Mr. Enyart stated that the nearest fourth story was several hundred feet from the nearest single-family propertyline, which was proportionally much more than the existing 75' setback for a three (3) story building.

Discussion ensued regarding clay tile rooves, which were described as "nice," and the concern for higher insurance and the freeze/thaw cycle.

The Commissioners discussed with Kevin Jordan the addition of one (1) elevator that he had agreed to. Erik Enyart confirmed with Mr. Jordan that he was now proposing all four (4) story units to be of the townhouse/walkup style except for one (1) elevator. Lance Whisman discussed other four (4)

story apartment developments in the Tulsa area which had elevators, such as at 91st St. S. and Delaware Ave., which at one point had a large sign advertising their elevators. Erik Enyart indicated agreement.

The Planning Commissioners discussed with Kevin Jordan other recommendations, including the 50' height restriction and sprinkler system and other recommendations per the Fire Chief and Fire Marshal, the setback between the fourth stories and single-family residential, and absolute and average percentages of masonry. It was stated that the "end-caps" of the buildings, where facing each other, would have less masonry. Patrick Boulden suggested that a Motion specify an average of 40% masonry across the development, with specific percentages per building subject to approval at the Detailed Site Plan. Erik Enyart stated that, at that time, the Applicant would show the percentages of masonry on every elevation of every face of every building, or every [unique] building type. The Applicant stated that those sides of the buildings facing outward/Memorial Dr. would have more masonry, such as 65% and 45%, and the inward-facing ones would be in the range of 35% to 45%.

A Planning Commissioner asked if the Fire Department's recommendations were covered. Erik Enyart stated that recommendation # 1 included whatever the Fire Marshal recommended, so it was covered. Discussion ensued regarding the relationship between the roof pitch, such as 7:12, and the original request to allow up to 54' in building height. A Planning Commissioner stated that he was impressed that the Fire Chief would go to 50', as that was the Commissioner's number one concern.

Chair Thomas Holland asked if there were any further questions or comments.

There being none, Chair Thomas Holland asked to entertain a Motion. Upon clarification of the wording of the Motion with Erik Enyart, Patrick Boulden, and the other Commissioners, Steve Sutton made a MOTION to RECOMMEND APPROVAL of PUD 81 Major Amendment # 1 as follows:

1. Subject to all Staff recommendations,
2. Modifying Staff's recommendation # 1 to include all the Fire Marshal and Fire Chief's recommendations,
3. The PUD must add a requirement for at least one (1) elevator,
4. The PUD must add a minimum setback standard between the 4th story and the nearest single-family residential propertyline per Staff's wording,
5. The PUD must add a development standard with siding materials (A) to consist of a minimum of 40% traditional masonry on average, (B) with the balance being approved masonry alternatives, and (C) with final percentages of each to be determined for each building with the PUD Detailed Site Plan.

Steve Sutton noted that the masonry requirement currently applied to every building, individually and equally, and stated that he wanted a visual of each building at the Detailed Site Plan, with each building coming back to the Commission for specific percentages.

Erik Enyart asked the Applicant if they would be able to bring samples to the City Council meeting Monday, and the Applicant agreed.

Lance Whisman expressed concern for the ultimate product using the term “manufactured stone.” Erik Enyart stated that his recommendation did not put so fine a point as to determine whether the stone would be natural or manufactured.

Steve Sutton confirmed Jerod Hicks was good with the Motion.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whisman, Sutton, Whiteley, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

PLATS

No items; No action taken.

OTHER BUSINESS

No items; No action taken.

OLD BUSINESS:

No items; No action taken.

NEW BUSINESS:

No items; No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:19 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary